IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1613 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SOMABHAI LALABHAI

Versus

SPECIAL LAND ACQUISITION OFFICER,

Appearance:
MR GM AMIN for Petitioner No. 1-4
MR MUKESH PATEL, AGP, for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 02/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

The only question which has surfaced in this petition under Article 226 of the Constitution of India is, as to

whether appropriate necessary directions are required to be given to the respondent authority for disposal of an application given under section 28-A of the Land Acquisition Act, 1894 (Act) or not, since, admittedly, the application ffor enhanced compensation has yet not been decided by the respondent authority, to which our spontaneous and immediate answer is in the positive in view of the facts and circumstances of the case and the submissions raised by the learned advocates appearing for the parties and the earlier decisions of this Court and also the circular dated 10th March, 1997 issued by the State Government.

There is a purpose and policy behind incorporating the legislative beneficiary provision in section 28-A of the Act. As a necessary corollary, it also follows that such applications are required to be, expeditiously entertained and adjudicated upon by the competent authority. This proposition was voiced by us in number of cases earlier and the respondent authority has issued the aforesaid circular in the light of one of such judgments. Since there is no dispute about the fact that the claimants application under section 28-A of the Act has yet not been adjudicated upon, there is no reason why direction to dispose of such an application within a reasonable period of time, to be stipulated by us should not be issued.

In the facts and circumstances, therefore, we direct the respondent authority to decide the application of the petitioners under section 28-A of the Act within a period of two months from today, failing which the guidelines incorporated in the aforesaid circular of the Government shall be considered by the respondent authority for implementation against the officers.

With the above observations, the petition is allowed. Rule is made absolute accordingly, with no order as to costs.

(J.N.Bhatt, J.)

(Akshay H. Mehta, J.)

(vjn)